

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

MCV6277

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Securities Investor Protection Corporation

## DEFENDANTS

Bernard L. Madoff Investment Securities, LLC

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

## ATTORNEYS (IF KNOWN)

Attorneys for Trustee: Baker Hostetler LLP  
45 Rockefeller Plaza, NY NY 10111 (212) 589-4200CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No?  Yes?  Judge Previously Assigned See attachmentIf yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## (PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

CONTRACT	TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
	PERSONAL INJURY	PERSONAL INJURY	[ ] 610 AGRICULTURE	[ ] 422 APPEAL	[ ] 400 STATE	REAPPORTIONMENT		
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 620 OTHER FOOD & DRUG	[ ] 423 WITHDRAWAL	[ ] 410 ANTITRUST			
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	[ ] 625 DRUG RELATED SEIZURE OF PROPERTY	[ ] 28 USC 157	[ ] 430 BANKS & BANKING			
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 630 LIQUOR LAWS	[ ] 820 COPYRIGHTS	[ ] 450 COMMERCE			
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 640 RR & TRUCK	[ ] 640 AIRLINE REGS	[ ] 830 PATENT	[ ] 460 DEPORTATION			
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE PRODUCT LIABILITY	[ ] 660 PERSONAL PROPERTY	[ ] 650 OCCUPATIONAL SAFETY/HEALTH	[ ] 840 TRADEMARK	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)			
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 690 OTHER			[ ] 480 CONSUMER CREDIT			
[ ] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL. VETERANS)	[ ] 350 MOTOR VEHICLE	[ ] 370 OTHER FRAUD			[ ] 490 CABLE/SATELLITE TV			
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 355 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING			[ ] 810 SELECTIVE SERVICE			
[ ] 160 STOCKHOLDERS SUITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 380 OTHER PERSONAL PRODUCT LIABILITY	[ ] 385 PROPERTY DAMAGE	[ ] 850 PROPERTY DAMAGE	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE			
[ ] 190 OTHER CONTRACT					[ ] 861 HIA (1395f)			
[ ] 195 CONTRACT PRODUCT LIABILITY					[ ] 862 BLACK LUNG (923)			
[ ] 196 FRANCHISE					[ ] 863 DIWC/DIWV (405(g))			
	ACTIONS UNDER STATUTES				[ ] 864 SSID TITLE XVI			
	CIVIL RIGHTS	PRISONER PETITIONS	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 865 RSI (405(g))	[ ] 866 IRS-THIRD PARTY			
REAL PROPERTY			[ ] 720 LABOR/MGMT RELATIONS					
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT					
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	[ ] 520 20 USC 2255	[ ] 740 RAILWAY LABOR ACT	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 893 ENVIRONMENTAL MATTERS			
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 530 HABEAS CORPUS	[ ] 790 OTHER LABOR LITIGATION	[ ] 871 IRS-THIRD PARTY	[ ] 894 ENERGY			
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 535 DEATH PENALTY	[ ] 791 EMPL RET INC SECURITY ACT	[ ] 26 USC 7609	[ ] 895 ALLOCATION ACT			
[ ] 245 TORT PRODUCT LIABILITY	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 540 MANDAMUS & OTHER	[ ] 540 CIVIL RIGHTS		[ ] 896 FREEDOM OF INFORMATION ACT			
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 550 PRISON CONDITION	[ ] 555 OTHER CIVIL RIGHTS		[ ] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE			
	[ ] 440 OTHER CIVIL RIGHTS				[ ] 950 CONSTITUTIONALITY OF STATE STATUTES			

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE COTE DOCKET NUMBER 11-cv-5683Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

1 Original Proceeding  2a. Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from (Specify District)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judge Judgment  
 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

1 U.S. PLAINTIFF  2 U.S. DEFENDANT  3 FEDERAL QUESTION (U.S. NOT A PARTY)  4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF	
CITIZEN OF THIS STATE	[ ] 1	[ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ] 3	[ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellants: Barbara Scherr, William Matz Revocable Trust, Allison Matz Sepielli, Susan Schneider, Family Partners, LLP (Prime Fund), Family Partners, LLP (Broad Fund), Dr. Steven Fagien and Debra Fagien, Levinson Enterprises, L.P., Jane K. Mirande Revocable Trust, and Gerald Greenspoon  
Kopelowitz Ostrow  
c/o Jan Douglas Atlas  
200 S.W. 1st Ave., Ste. 1200  
Fort Lauderdale, FL 33301

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC  
Baker& Hostetler, LLP  
45 Rockefeller Plaza  
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 08/29/11 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #

NO  
 YES (DATE ADMITTED Mo. 10 Yr. 1971)  
Attorney Bar Code # JA0727

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)